



FEDERAL DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HERMAN CRESPO,

PLAINTIFF,

Bernadette Lumas Codrington,

Defendant,

Arraignment A.D.A. JOHN DOE,

Defendant,

Lauren Perry, Trial A.D.A,

Defendant,

Commanding Officer 10<sup>th</sup> Precinct

Warrant Squad, et. Al.

Defendant,

Geraldo Rivera, Det. Investigating,

Arresting detective on Indictment

1562/11

Defendant,

Det. James Mc Guire,

Defendant,

Det. Jose Morales

Defendant

JURY TRIAL REQUEST  
AMENDED COMPLAINT  
16 CIV.0708 [PGG]

RECEIVED  
SDNY PRO SE OFFICE  
2017 MAR 10 PM 1:12  
S.D. OF N.Y.

My name is Herman Crespo, I am the plaintiff in the instant law suit  
Against the City of New York Police Department et al and all the De-  
Fendants, my mailing address is 760 East 183 Street apt 527, Bronx,  
New York, 10460, C/O Annette Noboa, my Daughter,

List Of Names and Addresses Where They can be Served

Bernedette Lumas Codrington, Assistant District Attorney  
Can be served via Counsel, Robin McCabe, at One Hogan Place,  
New York 10013

A.D.A. John Doe, presented the case to Judge Reenee A. White, at  
Part 62, Manhattan Supreme Court on August 24, 2011, where he  
Became an unsworn witness for the people in testifying that an –  
Allege BLOODY CROWBAR was used by the plaintiff to break in-  
To 344 West 23<sup>rd</sup> Street a 99 cent store.

Lauren Perry, was the assigned Assistant District Attorney, that lied  
And stated that she had video, of plaintiff on scene along with wit-  
ness that had seen the plaintiff breaking into 99 cent store, notwith-  
standing this defendant Perry, continuously lied to the judge in her  
Motions that there was bloody crowbar used in the commission of –

Said crime, this prolonged the time the then defendant now plaintiff in jail, Note that the A.D.A. Lauren Perry can be served along - With the John Doe, A.D.A. can be served at one Hogan Place, Upon information and belief based, information received by Robin Mc Cabe assigned attorney for Lauren Perry and the forementioned Was the given one.

Detectives Geraldo Rivera, can be served by sending all moving - Papers to Elissa B. Jacobs, whom is the attorney for the defendant Geraldo Rivera, whom testified and directly and deliberately acted Outside the function of his official capacity or used in abusing the Official color of state belonging to the function of his job to commit T a wrongful act, in improperly executing what later came to be - Known a warrant for plaintiff's arrest, The plaintiff at no time during The course of the plaintiff being accosted by these detectives did He/plaintiff see a warrant or knew that he had been arrested for a - Knew charge, he discovered this upon his arraignment day of August

2011, and actually saw the warrant for he was given discovery by a.d.a. On or about October 18, 2011, otherwise he had no knowledge

That he had a warrant.

Detective James McGure can be served at 100 Church Street, New York, New York 10007, Jose Morales can be served as per letter from Adverse counsel at 10<sup>th</sup> Precinct, Warrant squad located between 7<sup>th</sup> and \*<sup>th</sup> Avenues, New York City, New York.

#### PRILIMINARY STATEMENTS

The plaintiff was arrested on an unseen warrant, by defendants, Rivera, Morales and McGure all of the 10<sup>th</sup> street warrant Squad, All three accosted the plaintiff under a guise that he had missed a Court date, on an unrelated charge that had been pending (see the Attached exhibit of dismissed possession of burglary tools dismissed On May 8<sup>th</sup>, 2012 in front of Honorable Judge BOYAR PART A, CRIMINAL COURT) He was directly and deliberately lied to where the detective in charge stated that he would be back home before night fall or Later that night, the plaintiff was taken outside his apartment un – Handcuffed and each detective respective detective McGuire and - Morales stood on alternated sides as they held and escorted the - Plaintiff to the car where Detective Garcia lead the way some half a Block down Carpenter avenue, here the plaintiff was seen by all His neighbors and friends and it was apparent that these three men

Were cops to add insult to injury upon reaching the unmarked car  
The detectives the put their hand on my head, while putting me in –  
The back seat of the car, then each one sat on each side of the car  
That I would not jump out car.

The plaintiff was the taken to the 10 precinct warrant squad precinct  
Thereupon, he the plaintiff had been questioned and somewhere -  
The hour of 10 O'clock he was taken to what he believed was the  
Courthouse, however he was taken to White Street, which in all –  
Actualty was the Men's House of Detention known as the tombs.  
He was housed there, he remained in waiting area until the next  
Morning, thereupon he was taken to court where he remain there  
All day without seeing anyone and told that he the plaintiff would  
Have to come back the next day.

He returned to the tombs where he was housed around 8 O'clock at  
Night, the 8<sup>th</sup> floor was his designated area, plaintiff immediately  
Asked someone for some shower shoes and he took a shower he  
Then locked into his cell and went to sleep only to awaken to pre-  
Pare to go to court, and he was taken to court where sometime near  
Noon he was taken to what later became known to him as part 62,  
There in front of Reenee A White, Honorable Judge a A.D.A. Shouted

In a voice tress manner," Mr. Crespo was indicted by the Grand Jury Of the State of New York, for committing the Crime of Burglary in the 2<sup>nd</sup> Degree, where he used a BLOODY CROWBARR WITH HIS dna HAD BEEN FOUND ON IT, and did break into a 99 cent store located at 344 West 23<sup>rd</sup> Street in the borough of Manhattan, then the alleged - Attorney that was supposed to be representing me gave me his card -

And stated just say that you're not guilty of the charge, and he gave -

His card, of which stated Hershel A.Katz, attorney at law, I stated - Would be the best time to call you, anytime was his response, I then Was given an 8,000 dollar bail for a crime I had no Idea what it was About or what they were talking about, I was shocked mesmerized For I couldn't believe what had just happen and didn't know what The hell had just transpired.

The plaintiff called the Lawyer time and again to no favorable end Result, for plaintiff would only get answering machine, he tried to Call his home and there to he was having problems to get through

The plaintiff did not see his alleged attorney for two months and Not what if anything was transpiring in his case. On or about October 18<sup>th</sup> his third appearance at court for this attorney did not come to

A scheduled appearance prior to this date. He asked what if anything He done on his behalf and he stated that he had voluntary disclosure.

**Defendant Bernette Lumas Codrington**

The defendant duty as a Assistant District Attorney is first that they Secure that they investigate that they have enough indicia to indict The individual, second that the hold the spirit the law, and justice in Securing an indictment. The District Attorney assistant, didn't do this A.D.A> Codrington, use their office to directly and deliberately with – The flavor and force of reliability testily to the Grand Jury of the – And State of New York on August 15,2011 brought forth an indictment Against Herman Crespo, when upon her addressing the Grand Jury she Directly and deliberately lied to the Grand Jury presenting the grand Jury by stating that Mr. Herman Crespo had used a Bloody crowbar in Breaking into a 99 cent store located at 23<sup>rd</sup> Street in the county of – New York, also that she had direct evidence in that Bloody DNA that Proves he had removed stuff, from the 99 cent store, such as watches, Tapes and other merchandise. The record shows at trial, that because Her testilying she became an unsworn witness and bolstered the evidence to suit the predicate to the case, seeking to upgrade her position and personal gain by obtaining an indictment on less than probable –

Cause, this action infuriated the minds of the Grand Jury and cause -  
Plaintiff to be indicted on false testimony by the A.D.A. Codrington, by  
Abusing the office of the District Attorney, either by being improperly  
Trained and or supervised, or by her own whim to seek gain in the-  
Function of her duty as, in doing such acts A.D.A. obtained an indict-  
ment on less than probable causing the abuse of Process, malicious -  
Prosecution, pain suffering, unwanted stress, anxiety, causing the -  
Spirit of justice and the law to be used in an improper manner and -  
Consistent with cruel and unusual punishment to be administered  
by causing of use of government officials to improperly use their  
office to seek further prosecution, by Judge, Police officers and the  
other defendants in the current law suit, and the need for this case  
to be heard and cause of A.D.A. Bernette Lumas Codrington, actions  
of which is consistent with obstruction of Justice and deprivation of  
the plaintiff's 4,5,6,8,11 and 14<sup>th</sup> amendments to the United States  
Constitutions, as well as Civil Rights and unalienable rights as a citizen  
To be free from cruel and unusual punishment that cause the plaintiff  
To remain incarcerated for 17 and a half months also the fact that -  
During the course of the plaintiffs incarceration, his paramour and  
Mother of his children was diagnosed with cancer added insult to in  
Jury, the need for this indictment was/is grounded on less than pro-  
Bable cause, and the assistant A.D.A. should be monitored that they

Do not continue to violate citizens' rights and unlawful prosecutions  
To continue to transpire, it's bad enough that citizens Constitutional  
Rights are slowly being diminished, but these action or inactions by  
A.D.A. Bernette Lumas Codrington should never be condoned. The  
Plaintiff sues the A.D.A. in her professional and unprofessional  
Capacity for all the violations set forth above and that will live eternal  
Ally in my mind and spirit for all the mental and spiritual suffering as  
Well as physical deprivation of being free in the pursuit of Happiness.

A.D.A. John Doe Whom Presented case at  
Part 62, in front of Judge White August 24, 2011

On August 24, 2011, the plaintiff, was taken in front of Judge Reenee  
A.White, and a Dark skin man stated in sum in a laud and voice tress  
Manner, Mr. Crespo was indicted by the Grand Jury for having a  
BLOODY CROWBAR WITH HIS DNA ON IT, WHEN HE BROKE THE  
WINDOW IN, AT A 99 CENT STORE LOCATED AT 344 WEST 23 STREET,  
IN – THE BOROUGH OF MANHATTAN. The Arraignment A.D.A.  
infuriated

The mind of the judge, in stating this because the judge on all the  
motions submitted by the plaintiff, the C.P.L. 30.20, 30.30 motion  
along -

With the motion for Dismissal In The Interest Of Justice were both  
denied based on the fact that the defendant now plaintiff had a

**BLOODY**

**CROW Bar with his DNA, see attached copy of Decision of Court by  
Honorable Reenee A. White. Also find unsigned Indictment respectful-**

**Ly Exhibit B, and the latter exhibit A**

**The reasoning for the a.d.a s actions were unfounded as well as for  
The statements that were uttered by the a.d.a., he too, became an  
unsworn witness for the Judge in requesting for a high bail that pro  
Longed the plaintiff's time in jail, and did cause to further make it –  
Highly improbable for the plaintiff to make it out of jail on bail, the  
Bolstering of the incredible statement in consistent with the  
The reality of what happen is absolutely absurd to say the least, this  
Cause, the relentless denial and bias by Judge White that was counter  
Productive, also proved to have its told when address the judge.**

**This action by the Arraignment John Doe D.A. did violate his right to  
due process of Laws and to have fair hearings and/or appearances in  
court, denial of his Constitutional Rights 5,6,14, 8<sup>th</sup> 14th United States  
Constitution Civil Rights, Federal Rights set fort Federal Laws and his  
right to be free in the pursuit of Happy ness, also Equal Protection of  
Laws, rights to be free from unlawful intrusion. This cause mental and  
Spiritual stress and anguish, unwarranted delay in obtaining freedom  
And furthered his stay in jail. The denial of all the motions and  
continue-us incarceration**

**A.D.A. LAUREN PERRY ACTIONS PROLONGED INCARCERATION OF THE PLAINTIFF, ALONG WITH DIRECT AND DELIBERATE LIES CONSISTENT WITH KNOWING AND WANTING DELIBERATE INDIFFERENCE FOR BETTERMENT OF CITIZEN'S RIGHTS**

The plaintiff was denied his Constitutional Rights and Unalienable Rights to be free from unlawful being falsely prosecuted by A.D.A. Lauren Perry for she directly and deliberately knew that she didn't Have enough evidence to convict the plaintiff and the evidence of The alleged DNA was taken unlawfully and the plaintiff challenge the Constitutionality of the DNA and all the proceedings in the indictment That the facts surrounding the DNA were and are tainted for the, the Original was at Albany, and those witness were available to testify, But the a d a assigned Perry choose to get Knew DNA, cause she didn't Want to use the Albany DNA experts that were available. A.D.A. Perry Became an unsworn witness in the use of Bloody Crowbar very well Knowing that DNA had never been tested for blood and the use the Crow bar not knowing as to what was the instrument that had been Used on or to commit the crime. The denial of the Plaintiffs

See Note Below as following:

Despite the efforts of the plaintiff seeking discovery of all the material  
Of indictment 1562/11 the pro se office have not given the plaintiff a  
Copy of these moving papers, C.P.L. 160.50 release of case files that –  
Were given to both respective Corporation counsels of the defendants  
Therefore, the plaintiff prays this honorable Court would allow this  
Amended continue for the plaintiff knows and firmly believes there  
Are triable facts that warrant this courts determination in allowing –  
The Spirit of the Law to move this Court in what is deem appropriate  
For the further discovery that will put the icing on the cake so to  
Further prove the plaintiff's true facts have been stated on the record  
The evidence of the alleged Bloody Crowbar as stated by all the defen  
Dents and in fact the Judge, had not been tested for blood as stated  
By the forensic expert and reports see attached forensic [ Exh.D] that  
Alone stands out for it states with particularity also the fact that there  
Is direct evidence on these reports that there was in suffice evidence  
To prove as to whom did the DNA belong to; notwithstanding this  
There is no proof what so ever that the Crowbar was the instrument  
That had been used to commit said crime, nor is there any record that  
Plaintiff was ever around the given area either before, during, or after  
The allege commission of the crime, despite the speculation by the -

Defendant district attorneys Lauren Perry, that there had been a video tape with the plaintiff's face, at the commission of the crime

Upon the minutes dated December 28, 2011 see attached minutes of

Comment [S1]:

The court appearance where A.D.A. Lauren Perry stated that there was no video tape, after it had been said by the arraignment A.D.A.

That there had been one See exhibit [E] The record is clear and void

Of the plaintiff ever having been around the place where a crime had been committed, before, during or after the crime had transpired, -

The plaintiff took accept ion/exception to the Constitutionality of all

The proceedings prior to trial and during and during the trial both

Judges White and Juan Merchan were bias toward the then defendant

Also the judges White was in fact angry for she kept repeating in all

The denial to the Interest of Justice Dismissal request as well as the

C.P.L. 3020,30.30 motions see attached exhibits (f)

All the factors set forth above and the ones that are actually trial test

imony are further proof that the plaintiff has a viable triable issues

That can only be determine at trial and further discover.

Detective's Geraldo Rivera, James McGuire, and Jose Morale

The Detectives had knocked on the plaintiff's door, while the plaintiff

Had been awaiting a female friend of his, bear in mind that the plaintiff only had a towel wrapped around him for he had taken a

Shower and subsequently fell asleep on the sofa while he awaited the

Comment [S2]:

Arrival of his lady friend, he heard a sudden loud knock on the door in

Believing that it was his female friend he rushed and opened the door as he

When so three men came rushing in two ran past him, while the third

Just stood there, the plaintiff screamed in loud voice in hoping that his neighbors had heard him for he feared as to who were these men

The superintendent opened his door, as the short detective by the name of -

Geraldo Rivera {Note that this detective was the original detective as-

signed to the case, also the investigator after the crime had been committed some 4 and one half years earlier also had been the assigned Detective for all the burglaries that were transpiring during the time of the burglary some 4 and half years earlier also had arrested another suspect on unrelated burglary some years in close proximate time of the commission of the instant burglary. Of indict

ment 1562/11, The Defendant Rivera, stated "do you have a case pending in court" the plaintiff answered while reaching over to the Kitchen refrigerator, to obtain a copy of a court date on a misdemeanor

Or charge that had been pending since January, 2011, and was subsequently dismissed on or about May 8<sup>th</sup> 2012 approximately a year and a half later. This was 3442 NYC 2011, and it was in part A where it had been dismissed by Judge BOYAR See Copy of Disposition

Exhibit (G)

3-10-17

Herman Crespo  
HERMAN CRESPO

Defendant's Rivera, Jose Morales  
 and Det. McGuire Are all guilty  
 of violating the policy and procedure  
 of the Office, they hold as Detectives  
 They accosted the plaintiff at his  
 apartment, by not announcing they  
 were officers, They scared the plain-  
 tiff, half out of his mind, They  
 pushed their way into the apartment  
 while Defendant's Morales and McGuire  
 ran past him.

~~Note:~~ Detective Rivera was the  
 Original Assigned Detective at the  
 time the allege crime happened. He also  
 was the arresting officer in charge,  
 of the case, he was brief.  
 on the case, he and all the  
 detectives violated their own policy procedure

Detective Rivera, was the Det. that asked The plaintiff "if he had a case pend"; The plaintiff reached toward the Refrigerator, and handed the calendar date that he

Note Exhibit Disposition of case, calendar date <sup>could</sup> <sup>appeared</sup> which was Sept. 6, 2011, The

Detective, lie to plaintiff stating, that

This was the reason, they had come to get him, The 3 Detective, Mc Ginn and Morales each holding one ARM and Det, Rivera Lead the 3 toward

The place the unmarked car was located, half a block down Carpenter Avenue, where all neighbors saw the plaintiff being taken - people were looking out their windows and

enjoying what was a beautiful day  
 in the front of their houses; to  
 add insult to injury - The Det.  
 McGuire, Morales, place hand cuffs  
 on the plaintiff and then held his  
 head as they push him into the  
 unmarked police car.

The Defendants are Guilty of  
 Violating Federal, State and United  
 States Constitution by Lying to  
 the plaintiff, not stating they  
 were Detectives, swinging into his  
 Apartment, not telling the truth  
 as to what he was arrested  
 for, falsely arresting the plaintiff  
 by lying to him, not showing  
 him any warrant at all.

The plaintiff seeks  
 Damages for false arrest, malicious  
 prosecution, abuse of process  
 Defamation of character, and  
 Abuse of Police and Procedure  
 by all the Defendants in  
 this Law Suit

Plaintiff wants 8 million  
 Dollars for all Police personnel  
 and 8 million Dollars from the  
 District Attorneys for making him stay  
 in Jail and causing him much pain  
 anxiety, hardship and fear for his life

The plaintiff ask this Court to  
 also that he may obtain 8 million Dollars  
 from all police personnel involved in  
 this matter, and/or Law Suit - official and  
 un-official capacity

The 4, 5, 6, 8, 11, 14, Amendments Federal Law  
 were violated by this and  
 The Detective knew that plaintiff  
 was never seen at the scene of  
 the crime, nor was plaintiff carrying  
 a bloody crowbar, before or after crime  
 This knowledge would have been  
 enough for him Det. Rivera to know  
 that plaintiff never committed crime  
 The denial of the plaintiff to enjoy  
 his freedom, Accost him and directly  
 and deliberately arrest him without  
 proper probable cause, the equal protect  
 of Laws under New York State Const,  
 Art. § 11, his due process Right have  
 been intrude upon the last of  
 page 4 Freedom, where his Common Law wife

(21)

had cancer, and died 3 months

after his release,

The Acts of the Defendants

are so undignified that they

belittle the office they hold

The Detectives violated the policy

and procedure bestowed by New

York State Police Department, Rules

and Regulation, They made the

plaintiff stay in Jail for 17½ months

because they the Detectives lied

and falsely arrest. There is a

rule of regularity that no officer

should lie or do something contrary

to the office they hold. These officers

acted in concert to make an

illegal arrest illegal and by doing so

Deprived the plaintiff his constitutional Rights

The Detectives are sued for  
 trying and falsely arresting plaintiff,  
 beginning a Malicious Prosecution and  
 an Abuse of Process, causing the  
 plaintiff cruel and unusual punishment  
 by arresting him on false statements

Scaring him the plaintiff half to  
 death while plaintiff only had  
 a towel around him while he  
 had been waiting for a lady friend  
 on Arrest Date of August 22, 2011

Note: That Detective Jose Morales, made statement  
 that plaintiff, "would not see streets for  
 a long time on his way to Court

(Night Court)

## Relief Requested

The plaintiff wishes to have District Attorney properly Train and not to abuse the spirit of their office, so that plaintiff's rights will not be violated, in lying directly and deliberately knowing that they (A.D.A.) become unsworn witness, that is for personal gain in that the 3 A.D.A., Codrington, Bennett, Lumas, Arraignment A.D.A. and Assigned A.D.A. all lied to suit predicate of case for the Crowbar was never tested for blood, The DNA that was on the Crowbar was insuffice to say who's DNA it belong to. See exhibit on next page

The A.D.A had not enough evidence to arrest.

The plaintiff states with particularity that there are material facts on the exhibits given also on the complaint to go to trial on the instant Abstruction of Justice of all the Defendants in the Amended Complaint; Upon further Discovery the plaintiff wants to have interrogatory questions ask on each of the Defendant's in Law suit also some witness of the police Department whom testified at trial. The plaintiff wishes to expedite this case forthwith - Before he, the plaintiff becomes so ill that he is unable to do same.

Defendant's Rivera, Jose Morales  
and Det. McGuire Are all guilty  
of violating the policy and procedure  
of the office, they hold as Detectives  
They accosted the plaintiff at his  
apartment, by not announcing they  
were officers, They scared the plain-  
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Detectives violated their own Policy and procedure

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Note Exhibit Disposition of case, Calendar date <sup>court appearing</sup> which was Sept. 6, 2011, The Detective, lie to plaintiff stating, that this was the reason, they had come to get him, The 3 Detective, McGuire and Morales each holding one ARM and Det, Rivera Lead the 3 toward the place the unmarked car was located, half a block down Carpenter Avenue, where all Neighbors saw the plaintiff being taken - people were looking out their windows and

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from all police personnel involved in  
this matter, and/or Law Suit - <sup>official, and</sup> ~~unofficial~~  
capacity

The 4, 5, 6, 8, 11, 14, Amendments, Federal Law  
were violated by this and  
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was never seen at the scene of  
the crime, nor was plaintiff carrying  
a bloody crowbar, before or after crime.  
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plaintiff stay in Jail for 17½ month  
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and falsely arrest. There is a  
rule of regularity that no officer  
should lie or do something contrary  
to the office they hold. These officers  
acted in concert to make an  
illegal arrest illegal and by doing so

Denied the plaintiff his Constitutional Rights

The Detectives are sued for  
tortious and falsely arresting plaintiff,  
beginning a Malicious Prosecution and  
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(Night Court)

continued Relief sort  
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The A.D.A had not enough evidence to arrest.

Indictment Lost in Train  
with other Material, on Thursday  
March 8, 2017.

Exhibit A.

Original Indictment was  
not signed, and foreman never  
signed it, its not even  
dated

The Disposition of  
Two Cases 1562/11 and  
3442 NYC 2011

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

CERTIFICATE OF DISPOSITION  
NUMBER: 307937

THE PEOPLE OF THE STATE OF NEW YORK  
VS

CRESPO, HERMAN  
Defendant

10/06/1952  
Date of Birth

631 EAST 220 STREET D  
Address

3112210Y  
NYSID Number

BRONX NY  
City State Zip

01/13/2011  
Date of Arrest/Issue

Docket Number: 2011NY003442

Summons No:

140.35  
Arraignment Charges

Case Disposition Information:

Date Court Action  
11/08/2012 DISMISSED - MOTION OF DA

Judge Part  
BOYAR, D A

NO FEE CERTIFICATION

☐ GOVERNMENT AGENCY ☐ COUNSEL ASSIGNED

☐ NO RECORD OF ATTORNEY READILY AVAILABLE. DEFENDANT STATES COUNSEL WAS ASSIGNED  
SOURCE ☐ ACCUSATORY INSTRUMENT ☐ DOCKET BOOK/CRIMS ☐ CRC3030 [CRS963]

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN  
THIS COURT.

FANELLI, R  
COURT OFFICIAL SIGNATURE AND SEAL

02/28/2013  
DATE

FEE: NONE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT  
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

DISMISSED

FILED

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY  
100 CENTRE STREET  
NEW YORK, NY 10013

NO FEE

CERTIFICATE OF DISPOSITION ACQUITTAL

DATE: 02/28/2013

CERTIFICATE OF DISPOSITION NUMBER: 32007

PEOPLE OF THE STATE OF NEW YORK  
VS.

CASE NUMBER: 01562-2011  
LOWER COURT NUMBER(S):  
DATE OF ARREST: 08/22/2011  
ARREST #: M11673923  
DATE OF BIRTH: 10/06/1952  
DATE FILED: 08/15/2011

CRESPO, HERMAN

DEFENDANT

I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS  
~~ON FILE IN THIS OFFICE THAT ON 03/29/2013 THE ABOVE NAMED~~  
DEFENDANT WAS TRIED AND FOUND NOT GUILTY OF ALL PENDING CRIMINAL  
CHARGES AS TO THIS CRIMINAL ACTION BEFORE THE HONORABLE  
MERCHAN, J THEN A JUDGE OF THIS COURT.

THE DEFENDANT WAS DISCHARGED FROM THE JURISDICTION OF THE COURT.

THE ABOVE MENTIONED ACQUITTAL IS A TERMINATION OF THE CRIMINAL  
ACTION IN FAVOR OF THE ACCUSED AND PURSUANT TO SECTION 160.60 OF  
THE CRIMINAL PROCEDURE LAW "THE ARREST AND PROSECUTION SHALL BE  
DEEMED A NULLITY AND THE ACCUSED SHALL BE RESTORED, IN  
CONTEMPLATION OF LAW, TO THE STATUS OCCUPIED BEFORE THE ARREST  
AND PROSECUTION".

PURSUANT TO SECTION 160.50(1C) OF THE CRIMINAL PROCEDURE LAW, ALL  
OFFICIAL RECORDS AND PAPERS RELATING TO THIS CASE ARE SEALED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY  
OFFICIAL SEAL ON THIS DATE 02/28/2013.



COURT CLERK

Date expected to Court  
on unrelate Case use 3442NYC2011  
by Det. Rivera, when  
Tied by Defendant as  
to the reality of things  
Exhibit C.

CRIMINAL COURT OF THE CITY OF NEW YORK

Docket Number

Arraignment Date

You are to appear in Court on \_\_\_\_\_  
Street, New York, N.Y. 10013.

by 9:30 A.M. at Part

**PART A**

Arraignment Judge

located at 100 Centre

Your bail has been fixed at

\$ \_\_\_\_\_  
\$ \_\_\_\_\_

Insurance Company Bail Bond.

or

Cash Bail.

Insurance Company Bail Bond.

If you are released and you fail to appear at the time, date, and place indicated above,

A Warrant for your Arrest will be issued.

Your Bail, if any, will be forfeited.  
You may be charged with the crime of Bail Jumping.

If you are committed:  
You have the right to communicate with relatives or friends by letter or telephone free of charge.

You have the right to the aid of counsel at every stage of the proceedings.

You have the right to the aid of counsel at every stage of the proceedings.

If you desire counsel and are financially unable to obtain counsel, counsel shall be assigned to you.

**PLEASE BRING THIS NOTICE WITH YOU WHENEVER YOU APPEAR IN COURT.**

(over) (signature)

CRC 3019 (8/92)

Motions Lost in Train  
one Day prior to Deliver to  
Court, not returned by anyone

This in Furrinated Mind  
of Judge White  
Bloody Crowbar with  
his DNA

Other Motions by Decision  
of Judge White where it  
states Bloody Crowbar  
Used by ADA's Defendants  
in instant Case

Dismissal in Interest of Justice

Motion  
Decision

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK - CRIMINAL TERM - PART 62

- - - - -X  
THE PEOPLE OF THE STATE OF NEW YORK,

-against-

Indictment No.:  
1562/2011

HERMAN CRESPO,

Proceeding

Defendant.

- - - - -X

100 Centre Street  
New York, New York 10013

February 28, 2012

B E F O R E:

THE HONORABLE RENEE A. WHITE, Judge

A P P E A R A N C E S:

FOR MS. FROMKIN:

OFFICE OF CYRUS R. VANCE, JR.  
District Attorney New York County  
One Hogan Place  
New York, New York 10013

BY: JENNIFER FROMKIN, ESQ.

FOR THE DEFENDANT:

ROBERT WEINSTEIN, ESQ.  
Attorneys for Defendant  
350 Broadway  
New York, New York 10007

## PROCEEDING

1 THE CLERK: Calendar 20, 1562/2011, Herman Crespo.  
2 Appearance for the record.

3 MR. WEINSTEIN: Robert Weinstein, 350 Broadway,  
4 New York New York. Good afternoon, your Honor.

5 THE COURT: Good afternoon.

6 THE COURT OFFICER: One coming out.

7 THE COURT: All right. Mr. Crespo is in the  
8 courtroom. I've rendered a decision on the motions to  
9 dismiss, and it's denied.

10 I'm giving the defendant an unstapled copy of the  
11 decision. I'm giving the People a copy. Unfortunately, I  
12 don't have another copy for Mr. Weinstein. I will have to  
13 make you a copy.

14 MR. WEINSTEIN: Thank you, Judge.

15 THE COURT: We'll fax it to you if you give us  
16 your fax number. The motions are denied. Now, do you wish  
17 to set a trial date?

18 THE DEFENDANT: Excuse me, may I speak?

19 THE COURT: I'll give you. You have a copy of the  
20 decision. I want to know what date you want to go to trial.

21 THE DEFENDANT: Realistically, I would like to  
22 make a statement before I go to trial, with all due respect.  
23 First and foremost, I take exception to your ruling.

24 THE COURT: You have a right to appeal from my  
25 ruling.

## PROCEEDING

1 THE DEFENDANT: With all due respect, I have asked  
2 my alleged legal advisor to help me obtain some discovery. I  
3 have yet to receive that. I sent a copy also to the Court so  
4 that the Court could be aware as to what I wish and what I  
5 desire before I go to court -- I mean to trial, and to date,  
6 I haven't gotten that.

7 I haven't seen an alleged video in which your  
8 Honor, you stated to the district attorney that she was  
9 supposed to give it to Mr. Weinstein within a week, and she  
10 has yet --

11 THE COURT: Did you receive the video?

12 MR. WEINSTEIN: I don't know what video this is,  
13 Judge.

14 THE COURT: Let me see if I have any notes about  
15 that. I said ADA to turn over photos and video to defendant  
16 in January.

17 MR. WEINSTEIN: I have photos, Judge.

18 THE COURT: You have the photos. Is there any  
19 video?

20 MS. FROMKIN: There is no video, your Honor. I  
21 have a note from the assigned saying there is no video.

22 THE COURT: There is no video.

23 THE DEFENDANT: Okay fine. With all due respect,  
24 there is another issue that I would like to state. With all  
25 due respect, could somebody help me put on my glasses? Could

## PROCEEDING

1 I take these off so I can put on my glasses?

2 THE COURT: Mr. Weinstein could you help  
3 Mr. Crespo put on his glasses?

4 THE DEFENDANT: Thank you. I would like to read  
5 something. Is there any possibility that I can?

6 THE COURT: Sit down.

7 THE DEFENDANT: With all due respect there's a  
8 presumption of regularity in essence that no official is  
9 supposed to, acting under oath or under office, to submit  
10 something contrary to their duty.

11 Realistically, you were informed in essence that  
12 there was some blood on a crowbar. Anyway based on the BOP,  
13 or better said, the Bill of Particulars that were given by  
14 the district attorney's office, it states that my blood was  
15 never on any crowbar.

16 THE COURT: Sir, you can -- you're going to have a  
17 right to discuss all of this at the trial. I've made a  
18 decision on the motions. The next item of business is the  
19 trial. I'm not going to rule on anything until there is a  
20 trial.

21 THE DEFENDANT: Your Honor, with all due  
22 respect --

23 THE COURT: With all due respect to you,  
24 Mr. Crespo, I need to set a date for trial.

25 THE DEFENDANT: All right.

## PROCEEDING

1 THE COURT: When will the People be ready?

2 MS. FROMKIN: Any time, your Honor.

3 MR. WEINSTEIN: Judge, I have to address the Court  
4 about a couple of things. It relates to his readiness for  
5 trial, Judge.

6 Mr. Crespo asked me for minutes of certain  
7 proceedings in this courtroom. The Court signed the order, I  
8 provided it. Mr. Crespo asked me to have an investigator  
9 appointed. The Court signed an investigator order.

10 THE COURT: Thank you.

11 MR. WEINSTEIN: I've sent it out to the  
12 investigator; however, Mr. Crespo asked the investigator to  
13 come visit him in Riker's Island instead of write it up.  
14 That hasn't been done. It should be done within a week.

15 Mr. Crespo asked me today, he does want a DNA  
16 expert appointed. That I didn't know. Now I know. That  
17 should impact the date.

18 THE DEFENDANT: Excuse me, your Honor. Can I  
19 speak?

20 THE COURT: Yes. I need to first get a date from  
21 you. Do you mind letting me go through that?

22 THE DEFENDANT: Let's make it a month and a half.  
23 I have no problem with that.

24 THE COURT: April 10th or April 17th?

25 THE DEFENDANT: With all due respect, may I



**OFFICE OF CHIEF MEDICAL EXAMINER**

Charles S. Hirsch, M.D., *Chief Medical Examiner*

**DEPARTMENT OF FORENSIC BIOLOGY**

Mechthild Prinz, Ph.D., *Director*

Howard J. Baum, Ph.D., *Deputy Director*

421 East 26<sup>th</sup> Street, New York, NY 10016

Tel: 212.323.1200 · Fax: 212.323.1590 · E-mail: DNALab@ocme.nyc.gov

September 9, 2007

**LABORATORY REPORT**

COMPLAINANT: Mamadou Diakhate

LAB NO: FB07-01010

COMPLAINT NO: 2007-010-01955

LDK

underline

**SUMMARY OF RESULTS:**

PCR DNA typing performed on the following samples indicates the presence of the same male DNA profile that is suitable for inclusion in DNA databases:

- swab "E2" from "inside on wall by point of entry near broken glass"
- swab "E3" from "piece of broken glass (on inside of)"

This combination of DNA alleles would, at a minimum, be expected to be found in approximately:<sup>1</sup>

1 in greater than 1 trillion people

DNA extraction was performed on the following sample, but an insufficient amount of DNA was present for the DNA testing listed in this report:

- swab "E1" from "crow/pry bar"

Further analysis could be done upon submission of a blood or saliva sample from a suspect and/or victim/ elimination sample. Further analysis will require approximately 30 days.

The DNA results in this case do not match any previous PCR (STR) DNA cases to date.

The DNA results in this case will be entered into the OCME local DNA databank. The DNA results will be entered into the National Combined DNA Index System (CODIS).

1. OCME STR database, National Research Council (1996) The Evaluation of Forensic DNA Evidence, Natl. Acad. Press, Washington DC.

Exhibit  
of DNA Expert

Motion's Lost in Train  
one Day prior to Deliver to  
Court, not returned by anyone

This in Furrinated Mind  
of Judge White  
Bloody Crowbar with  
his DNA

Other Motions by Decision  
of Judge White where it  
states Bloody Crowbar  
Used by ADA's Defendants  
in instant Case

Dismissal in Interest of Justice

Motion  
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